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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,781	12/24/2003	Toshikazu Yoshimi	Q79096	9460
65565 7590 01/11/2007 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER LUKS, JEREMY AUSTIN	
			ART UNIT	PAPER NUMBER
			2837	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/743,781

Applicant(s)

YOSHIMI ET AL.

Examiner

Jeremy Luks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/25/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 5-8 and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi (4,367,377). Yamaguchi teaches an attaching plate (Figures 2 and 3, #24) for attaching a speaker (20) configured to output sound (Col. 4, Lines 25-32), the attaching plate (24) comprising: a hole (can be seen in the center of #24 in Figure 3) in which the speaker (20) is attached (Col. 3, Lines 7-16); and a cutout portion (24c and 24g) formed along at least part of the periphery of the hole, the cutout portion (24c and 24g) suppressing a propagation of vibration generated by the speaker (20); wherein the cutout portion (24c and 24g) is formed to surround at least partially the speaker (20); wherein the cutout portion (24c and 24g) is formed in a substantially arc shape; wherein the cutout portion (24c and 24g) comprises a plurality of holes (24c) arranged intermittently; wherein the cutout portion comprises: a first cutout (24c) portion comprising a plurality of holes arranged intermittently; and a second cutout portion (24g) arranged on a vibration propagation path of a vibration propagating between the holes (24c) of the first cutout portion; wherein the holes (24c) of the first cutout portion comprises a hole (24c) formed in a round shape.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (4,367,377) in view of Morimoto (JP 08289381). Yamaguchi is relied upon for the reasons and disclosures set forth above. Yamaguchi further teaches a speaker (Figure 2 and 3, #20) attached to an attaching plate (24). Yamaguchi fails to teach wherein the speaker is attached to the attaching plate with no gap there between; and wherein the attaching plate further comprises a panel provided on a door of a vehicle. Morimoto teaches wherein a speaker (Figure 1, #13) is attached to an attaching plate (10) with no gap there between; and wherein the attaching plate (10) further comprises a panel provided on a door of a vehicle (See translated abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Yamaguchi, with the apparatus of Morimoto to integrate the speaker into a vehicle door and protect the speaker from liquids.

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (4,367,377) in view of Dodd (6,116,373). Yamaguchi is relied upon for the reasons and disclosures set forth above. Yamaguchi further teaches an attaching plate (Figure 3, #24) comprising a cutout portion (24c and 24g). Yamaguchi fails to teach

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wherein the cutout portion is filled with a filler, and wherein the cutout portion comprises a fold-back portion in which the edge of the attaching plate is folded back to a rear side thereof. Dodd teaches wherein a cutout portion (Figure 1, #24) is filled with a filler (30), and wherein the cutout portion (24) comprises a fold-back portion (28) in which the edge of an attaching plate (10) is folded back to a rear side thereof. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Yamaguchi with the apparatus Dodd in order to further suppress vibrations from entering the door panel with the vibration dampening material.

Response to Arguments

4. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. The Examiner considers the prior art of Yamaguchi, Morimoto and Dodd to teach all of the limitations as claimed by Applicant.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent arts of record relating to vibration propagation suppressing structures are disclosed in the PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Luks whose telephone number is (571) 272-2707. The examiner can normally be reached on Monday-Thursday 8:30-6:00, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy Luks
Patent Examiner
Art Unit 2837
Class 181


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER